IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 23 OF 2004.

Sharangauda Rudragauda
Bagali, presently lodged
in Judicial Custody,
Judicial Lock-Up,
Mapusa, Bardez, Goa. ... Applicant.

VERSUS

State of Goa,
represented by
Officer-in-charge,
A.N.C. Police Station,
Panaji, Goa. ... Respondent.

Mr. J.P. D'Souza, Advocate for the Applicant.

Mr. S.N. Sardessai, Public Prosecutor for the State/ Respondent.

CORAM: P.V. HARDAS, J.

DATE: 22ND JANUARY, 2004.

ORAL ORDER:

This application arises against the Order of the Special Judge, N.D.P.S. Court, Mapusa, Goa, dated 15th January, 2004 in Special Bail Application 23/2003, whereby the learned Special Judge turned down the plea of the Applicant for being released on bail.

2. Admittedly, the Applicant/Accused was arrested as he was found in possession of 3.102 kgs. of ganja. Admittedly also the small quantity which is prescribed is 1000 grams while commercial quantity is

20 kgs. and the quantity found in the possession of the Applicant was more than small quantity and lesser than the commercial quantity. The learned Trial Judge in para 5 of the Order has recorded that the rigors imposed by the statute for releasing of the offenders under the N.D.P.S. Act on bail is relaxed in cases where the accused are found in possession of quantities lesser than the commercial quantities and larger than the small quantities. The apprehension of the prosecution that the Applicant/Accused being a native of Karnataka, would not be available for trial, if released on bail, can be allayed by imposing certain strict conditions on the Accused.

3. The applicant is accordingly released on bail on his furnishing a Personal Bond in the sum of Rs.25,000/- with one surety in the like amount on the following conditions:-

(i) The Applicant shall attend the Anti Narcotic Cell, Panaji, Goa, everyday, at any time between 10.00 to 11.00 a.m. till the filing of the charge sheet and shall thereafter attend the Anti Narcotic Cell, Panaji, Goa, once a week on every Monday at any time between 10.00 to 11.00 a.m.

(ii) The Applicant shall not leave the State of Goa without the prior permission of the Trial Court.

(iii) The Applicant shall inform the concerned Police Station his permanent address at Goa and shall, in case of change of address, intimate the learned Trial Court and the concerned Police Station accordingly.

(iv) The Applicant shall not either directly or indirectly attempt or influence the witnesses.

4. On the aforesaid conditions, Criminal Misc. Application No. 23/2004 is allowed.

P.V. HARDAS, J.

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